

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

CASSANDRA FLANIGAN, as widow and )  
next friend of WILLIAM TIMOTHY )  
FLANIGAN, deceased, )  
 )  
Plaintiff, )  
 )  
v. )  
 ) No. 1:07-CV-01124-JDT-STA  
WESTWIND TECHNOLOGIES, INC., )  
HONEYWELL INTERNATIONAL, INC., )  
MCDONNELL DOUGLAS )  
HELICOPTER COMPANY, AND )  
BOEING COMPANY, )  
 )  
Defendants. )  
 )

---

**JOINDER OF DEFENDANTS  
MCDONNELL DOUGLAS HELICOPTER COMPANY  
AND THE BOEING COMPANY IN DEFENDANT  
HONEYWELL INTERNATIONAL INC.'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT FOR FAILURE TO STATE A CLAIM UPON  
WHICH RELIEF CAN BE GRANTED PURSUANT TO RULE 12(b)(6)**

---

Defendants McDonnell Douglas Helicopter Company ("MDHC") and The Boeing Company ("Boeing"), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, join in Defendant Honeywell International Inc.'s Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be Granted Pursuant to Rule 12(b)(6) based upon the political question doctrine and the "combatant activities" exception to the Federal Tort Claims Act. Defendants MDHC and Boeing incorporate by reference in full the facts and legal arguments in

Defendant Honeywell International Inc.'s motion and accompanying memorandum of law.

For the reasons set forth in Defendant Honeywell International Inc.'s motion, Defendants McDonnell Douglas Helicopter Company and The Boeing Company move the Court to dismiss Plaintiff's Complaint with prejudice.

DATED this 4th day of September, 2007.

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

By: s/ J. Randolph Bibb, Jr.  
J. Randolph Bibb, Jr., B.P.R. No. 09350  
Robert F. Chapski, B.P.R. No. 022043  
Nashville City Center  
511 Union Street, Suite 2700  
Nashville, Tennessee 37219  
Telephone : (615) 244-6380  
Facsimile : (615) 244-6804

Steven S. Bell, Esq.  
*Pro Hac Vice* pending  
Todd W. Rosencrans, Esq.  
*Pro Hac Vice* pending  
Kelly F. Moser, Esq.  
*Pro Hac Vice* pending  
Perkins Coie, LLP  
1201 Third Avenue, Suite 4800  
Seattle, Washington 98101  
Telephone: (206) 359-8000  
Facsimile: (206) 359-9000

*Attorneys for Defendants*  
*McDonnell Douglas Helicopter Company*  
*and The Boeing Company*

**CERTIFICATE OF SERVICE**

I hereby certify that, on September 4, 2007, a copy of the foregoing JOINDER OF DEFENDANTS MCDONNELL DOUGLAS HELICOPTER COMPANY AND THE BOEING COMPANY IN HONEYWELL INTERNATIONAL INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PURSUANT TO RULE 12(b)(6) was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and who are listed below. Parties may access this filing through the Court's electronic filing system.

Jeffrey S. Rosenblum, Esq.  
B.P.R. No. 013626  
ROSENBLUM AND REISMAN, PC  
80 Monroe Avenue, Suite 950  
Memphis, Tennessee 38103  
(901) 527-9600

Cannon F. Allen, Esq.  
B.P.R. No. 012548  
Tricia T. Olson, Esq.  
B.P.R. No. 024643  
ADAMS AND REESE LLP  
80 Monroe Avenue, Suite 700  
Memphis, Tennessee 38103  
(901) 525-3234

s/J. Randolph Bibb, Jr.  
J. Randolph Bibb, Jr.

Dated: September 4, 2007.